

Ordinance No.: 15-25
Zoning Text Amendment No.: 04-07
Concerning: Sign Regulations - Exemption
Draft No. & Date: 1 – 3/30/04
Introduced: March 30, 2004
Public Hearing: May 4, 2004
Adopted: May 4, 2004
Effective: May 24, 2004

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING
AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-
WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY,
MARYLAND**

By: Council President at the Request of the County Executive

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

exempting certain bus shelter and transit center kiosk advertising from the
sign regulations contained in Article 59-F.

By amending the following sections of the Montgomery County Zoning Ordinance,
Chapter 59 of the Montgomery County Code:

ARTICLE 59-F	“SIGNS”
Division 59-F-7.1	“PROHIBITED SIGNS”
Division 59-F-8.1	“EXEMPT SIGNS”

EXPLANATION:

Boldface indicates a heading or a defined term
Underlining indicates text that is added to existing law
by the original bill
[Single boldface brackets] indicate text that is deleted
from existing law by the original bill
Double underlining indicates text that is added to the
bill by amendment
[[Double boldface brackets]] indicate text that is
deleted from existing law or the bill by amendment
* * * indicates existing law unaffected by the bill

OPINION

Zoning Text Amendment No. 04-07 was introduced on March 30, 2004. The ZTA would exempt certain bus shelters and transit center kiosk advertising from the sign regulations. Under the ZTA, bus shelters may advertise only commercial and government-sponsored messages. Bus shelters would be prohibited from disseminating any message that: (1) concerns an unlawful activity, (2) contains obscene material, or (3) mimics traffic control devices.

The Montgomery County Planning Board in its report to the Council recommended that ZTA 04-07 be approved.

A worksession on ZTA 04-07 was held by The Planning, Housing, and Economic Development Committee in anticipation that action on the ZTA would take place immediately following the public hearing. The Committee recommended that ZTA 04-07 be approved as introduced.

The County Council held a public hearing on May 4, 2004 to receive testimony concerning the proposed text amendment.

The District Council reviewed Zoning Text Amendment No. 04-07 at a meeting held on May 4, 2004 and agreed with the recommendation of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 04-07 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

1 **Sec 1. Article 59-F is amended as follows:**

2 **ARTICLE 59-F. SIGNS.**

3 * * *

4 **DIVISION 59-F-7. PROHIBITED SIGNS.**

5 **59-F-7.1. Unlawful to erect or to retain.**

6 * * *

7 (e) **Moved by the wind.** Except if approved pursuant to Section 59-
8 F-10.2(b)(1)(H) as part of a sign concept plan for an optional method
9 development project within an urban renewal area, a sign in the form of
10 a banner, pennant, streamer, ribbon, spinner, balloon, string of lights, or
11 other device which will move in the wind or moved manually must not
12 be placed on a lot or parcel, except as provided in subsections 59-F-
13 8.1[(b)] (c) (5) and 59-F-8.1[(b)] (c) (8).

14 **Sec. 2. Division 59-F-8 is amended as follows:**

15 **DIVISION 59-F-8. EXEMPT SIGNS.**

16 **59-F-8.1. Exempt.**

17 * * *

18 (b) A sign legally affixed to a bus shelter or transit center
19 information kiosk pursuant to an approved franchise agreement.

20
21 [(b)](c) **Regardless of Size.** The following signs do not require a
22 permit and are exempt from the size, placement and number requirements of
23 this ordinance, but must comply with the prohibitions contained in Section
24 59-F-7:

25 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after
26 the date of Council adoption.

27

28 This is a correct copy of Council action.

29

30

31

32

33 Mary A. Edgar, CMC

34 Clerk of the Council